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Atty. Dkt. No. 054707-1277

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph P. Steiner *et al.*
Title: ROTAMASE ENZYME
ACTIVITY INHIBITORS
Appl. No.: 09/873,298
Filing Date: June 5, 2001
Examiner: Vickie Y. Kim
Art Unit: 1614

#26
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9/13/04
OK
AUG 18 2004
TECH CENTER 1600/2900

SUPPLEMENTAL REQUEST THAT AN INTERFERENCE BE DECLARED

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Further to the Request Under 37 C.F.R. 1.607 That An Interference Be Declared filed on April 19, 2002 (Request), Applicants submit herewith copies of parent applications 08/551,026; 09/359,351; and 08/693,003, along with the Official Filing Receipt for each. Applicants consider that their earlier filings constitute a request to be accorded benefit of these applications under 35 U.S.C. 120 in accordance with 37 C.F.R. § 41.201 (final rule published August 12, 2004). To the extent this may not be clear based on the current record, Applicants hereby request the benefit of these applications.

Sufficiency of the current record

The present application is a (see page 1, lines 1-5 in the specification):

- CIP of 08/551,026 and
- CIP of 09/359,351, which is a
 - CONT of 08/693,003, which is a
 - CONT of 08/479,436

In the Request, Applicants submitted a copy of the ultimate parent application 08/479,436. Because the present application is a continuation-in-part of application 09/359,351, which is a continuation of application 08/693,003, which in turn is a continuation of the ultimate parent application 08/479,436, Applicants believe that the record contains sufficient evidence to confirm continuity of disclosure from the present application through its parents to the ultimate parent application 08/479,436. Specifically, the only possible new matter arises from a difference between the present application and ultimate parent application 08/479,436, both of which are in the record.

Continuity Of Disclosure

To supplement the record, Applicants submit herewith the intervening applications 09/359,351 and 08/693,003.

Exhibits D and E (claim charts) set forth species disclosed in Examples 4 and 6 of ultimate parent application 08/479,436 to establish constructive reduction to practice of the proposed count. Intervening applications 09/359,351 and 08/693,003 share the identical disclosures with the application 08/479,436 and thus disclose the same species at the same page and line:

- Compound of Example 4 on page ³⁴19, lines 19-20, and
- Compound of Example 6 on page ³⁶28, line 13.

Intervening applications 09/359,351 and 08/693,003 thus support the continuity of disclosure implicit in the relationship between the present application and ultimate parent application 08/479,436, both of which are already in the record.

Continuity Of Pendency

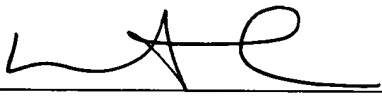
For the convenience of the Office, Applicants present the relevant filing, issuance, and abandonment dates of the related applications in the table below.

Attorney No.	Application No.	Patent	Filed	Issued/Abandoned
054707-1277 (acid case)	09/873,298 (CIP of 09/359,351 and 08/551,026)	Pending	6/5/2001	N/A
054707-1163	08/551,026	Abandoned	10/31/1995	5/6/2002
054707-0214	09/359,351 (CONT of '003)	6,509,477	7/21/1999	1/21/2003
054707-1173	08/693,003 (CONT of '436)	Abandoned	8/6/1996	9/9/1999
054707-1218	08/479,436	5,614,547	6/7/1995	3/25/1997

Applicants respectfully request that the Office enter the attached applications into the record for consideration of the earlier-filed Request.

Respectfully submitted,

Date August 13, 2004
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